

Exhibit B

From: [Kodosky, Keith](#)
To: [Wright, Davis L.](#); [McKee Vassallo, Emilia L.](#); [Warns, Tom A.](#); [Zahralddin, Rafael](#); [Colby, Eben P](#)
Cc: [Caponi, Steven L.](#); [Andrew DeMarco](#); [Alexander, Vincent](#); [Brumme, Marley Ann](#); [Fisher, Bennett](#); [Callahan, Kevin P. \(USTP\)](#); [Edel, Jon N.](#); [John.Schanne@usdoj.gov](#); [Rothman, Aaron S.](#); [Shaw, Kevin](#); [Grugan, Terence M.](#); [Allen, Catherine G.](#); [Czerkawski, Andrew](#)
Subject: RE: TRO Hearing Continuance -- Stream v. Shadron L. Stastney et al.
Date: Thursday, October 26, 2023 5:47:48 PM
Attachments: [image001.png](#)
[image002.png](#)
[Logo_e6253148-26a1-47a9-b861-6ac0ff0bc3c4.png](#)
[80pctcolor_2022mansfieldcertificationbadge_492244a7-2944-454d-8270-3a8a522bf068.png](#)

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This message came from outside your organization.

I will send a Zoom invite for 1 pm ET.

Thanks, -- Keith.



Keith Kodosky
Partner
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From: Wright, Davis L. <DWright@rc.com>
Sent: Thursday, October 26, 2023 5:36 PM
To: McKee Vassallo, Emilia L. <McKeeVassalloE@ballardspahr.com>; Warns, Tom A. <Tom.Warns@klgates.com>; Zahralddin, Rafael <Rafael.Zahralddin@lewisbrisbois.com>; Colby, Eben P <Eben.Colby@skadden.com>
Cc: Caponi, Steven L. <Steven.Caponi@klgates.com>; Kodosky, Keith <Keith.Kodosky@lewisbrisbois.com>; Andrew DeMarco <ademarco@devlinlawfirm.com>; Alexander, Vincent <Vincent.Alexander@lewisbrisbois.com>; Brumme, Marley Ann <Marley.Brumme@skadden.com>; Fisher, Bennett <Bennett.Fisher@lewisbrisbois.com>; Callahan, Kevin P. (USTP) <Kevin.P.Callahan@usdoj.gov>; Edel, Jon N. <Jon.Edel@klgates.com>; John.Schanne@usdoj.gov; Rothman, Aaron S. <Aaron.Rothman@klgates.com>; Shaw, Kevin <Kevin.Shaw@lewisbrisbois.com>; Grugan, Terence M. <GruganT@ballardspahr.com>; Allen, Catherine G. <Catherine.Allen@quarles.com>; Czerkawski, Andrew <Andrew.Czerkawski@lewisbrisbois.com>
Subject: [EXT] Re: TRO Hearing Continuance -- Stream v. Shadron L. Stastney et al.

All,

I will make myself available for the call at whatever time is agreed on.

Thanks,
Davis

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From: McKee Vassallo, Emilia L. <McKeeVassalloE@ballardspahr.com>
Sent: Thursday, October 26, 2023 5:11:36 PM
To: Warns, Tom A. <Tom.Warns@klgates.com>; Zahralddin, Rafael <Rafael.Zahralddin@lewisbrisbois.com>; Colby, Eben P <Eben.Colby@skadden.com>
Cc: Caponi, Steven L. <Steven.Caponi@klgates.com>; Kodosky, Keith <Keith.Kodosky@lewisbrisbois.com>; Andrew DeMarco <ademarco@devlinlawfirm.com>; Alexander, Vincent <Vincent.Alexander@lewisbrisbois.com>; Brumme, Marley Ann <Marley.Brumme@skadden.com>; Fisher, Bennett <Bennett.Fisher@lewisbrisbois.com>; Callahan, Kevin P. (USTP) <Kevin.P.Callahan@usdoj.gov>; Edel, Jon N. <Jon.Edel@klgates.com>; John.Schanne@usdoj.gov <John.Schanne@usdoj.gov>; Rothman, Aaron S. <Aaron.Rothman@klgates.com>; Shaw, Kevin <Kevin.Shaw@lewisbrisbois.com>; Grugan, Terence M. <GruganT@ballardspahr.com>; Wright, Davis L. <DWright@rc.com>; Allen, Catherine G. <Catherine.Allen@quarles.com>; Czerkawski, Andrew <Andrew.Czerkawski@lewisbrisbois.com>
Subject: RE: TRO Hearing Continuance -- Stream v. Shadron L. Stastney et al.

CAUTION:

EXTERNAL EMAIL

Rafael:

Either Terence or I are available tomorrow between 10:30 and 11:30 and after 12:30.

Thanks,

Emilia

Emilia McKee Vassallo

She/Her/Hers

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From: Warns, Tom A. <Tom.Warns@klgates.com>

Sent: Thursday, October 26, 2023 4:40 PM

To: Zahraiddin, Rafael <Rafael.Zahraiddin@lewisbrisbois.com>; Colby, Eben P <Eben.Colby@skadden.com>; McKee Vassallo, Emilia L. <McKeeVassalloE@ballardspahr.com>

Cc: Caponi, Steven L. <Steven.Caponi@klgates.com>; Kodosky, Keith <Keith.Kodosky@lewisbrisbois.com>; Andrew DeMarco <ademarco@devlinlawfirm.com>; Alexander, Vincent <Vincent.Alexander@lewisbrisbois.com>; Brumme, Marley Ann <Marley.Brumme@skadden.com>; Fisher, Bennett <Bennett.Fisher@lewisbrisbois.com>; Callahan, Kevin P. (USTP) <Kevin.P.Callahan@usdoj.gov>; Edel, Jon N. <Jon.Edel@klgates.com>; John.Schanne@usdoj.gov; Rothman, Aaron S. <Aaron.Rothman@klgates.com>; Shaw, Kevin <Kevin.Shaw@lewisbrisbois.com>; Grugan, Terence M. <GruganT@ballardspahr.com>; Davis L. Wright <DWright@rc.com>; Allen, Catherine G. <Catherine.Allen@quarles.com>; Czerkawski, Andrew <Andrew.Czerkawski@lewisbrisbois.com>

Subject: RE: TRO Hearing Continuance -- Stream v. Shadron L. Stastney et al.

 **EXTERNAL**

Rafael,

I (or someone else from K&L Gates) can be available tomorrow for the conference to participate on behalf of Hawk.

Best,

Tom

From: Zahraiddin, Rafael <Rafael.Zahraiddin@lewisbrisbois.com>

Sent: Thursday, October 26, 2023 4:26 PM

To: Colby, Eben P <Eben.Colby@skadden.com>; McKee Vassallo, Emilia L. <McKeeVassalloE@ballardspahr.com>

Cc: Warns, Tom A. <Tom.Warns@klgates.com>; Caponi, Steven L. <Steven.Caponi@klgates.com>; Kodosky, Keith

<Keith.Kodosky@lewisbrisbois.com>; Andrew DeMarco <ademarco@devlinlawfirm.com>; Alexander, Vincent <Vincent.Alexander@lewisbrisbois.com>; Brumme, Marley Ann <Marley.Brumme@skadden.com>; Fisher, Bennett <Bennett.Fisher@lewisbrisbois.com>; Callahan, Kevin P. (USTP) <Kevin.P.Callahan@usdoj.gov>; Edel, Jon N. <Jon.Edel@klgates.com>; John.Schanne@usdoj.gov; Rothman, Aaron S. <Aaron.Rothman@klgates.com>; Shaw, Kevin <Kevin.Shaw@lewisbrisbois.com>; Grugan, Terence M. <GruganT@ballardspahr.com>; Davis L. Wright <DWright@rc.com>; Allen, Catherine G. <Catherine.Allen@quarles.com>; Czerkawski, Andrew <Andrew.Czerkawski@lewisbrisbois.com>

Subject: RE: TRO Hearing Continuance -- Stream v. Shadron L. Stastney et al.

Dear Eben,

Thank you.

Let me know when you guys are available tomorrow. I have a 10 am and a noon appointment. Kieth can also fill in if I am not available and vice versa. I am free the rest of the day.

I would like to see what we can agree upon, and if not, we can submit competing orders.



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From: Colby, Eben P <Eben.Colby@skadden.com>

Sent: Thursday, October 26, 2023 3:59 PM

To: Zahralddin, Rafael <Rafael.Zahralddin@lewisbrisbois.com>; McKee Vassallo, Emilia L. <McKeeVassalloE@ballardspahr.com>

Cc: Warns, Tom A. <Tom.Warns@klgates.com>; Caponi, Steven L. <Steven.Caponi@klgates.com>; Kodosky, Keith

<Keith.Kodosky@lewisbrisbois.com>; Andrew DeMarco <ademarco@devlinlawfirm.com>; Alexander, Vincent

<Vincent.Alexander@lewisbrisbois.com>; Brumme, Marley Ann <Marley.Brumme@skadden.com>; Fisher, Bennett

<Bennett.Fisher@lewisbrisbois.com>; Callahan, Kevin P. (USTP) <Kevin.P.Callahan@usdoj.gov>; Edel, Jon N. <Jon.Edel@klgates.com>;

John.Schanne@usdoj.gov; Rothman, Aaron S. <Aaron.Rothman@klgates.com>; Shaw, Kevin <Kevin.Shaw@lewisbrisbois.com>; Grugan, Terence M.

<GruganT@ballardspahr.com>; Davis L. Wright <DWright@rc.com>; Allen, Catherine G. <Catherine.Allen@quarles.com>; Czerkawski, Andrew

<Andrew.Czerkawski@lewisbrisbois.com>

Subject: [EXT] RE: TRO Hearing Continuance -- Stream v. Shadron L. Stastney et al.

Rafael, My emails were prior to our discussion of this issue with the Court. Speaking for our clients, we have heard the Court's directive and are prepared to move forward in the manner proposed by the other defendants on this email string. Eben

From: Zahralddin, Rafael <Rafael.Zahralddin@lewisbrisbois.com>
Sent: Thursday, October 26, 2023 3:38 PM
To: McKee Vassallo, Emilia L. <McKeeVassalloF@ballardspahr.com>
Cc: Warns, Tom A. <Tom.Warns@klgates.com>; Caponi, Steven L. <Steven.Caponi@klgates.com>; Kodosky, Keith <Keith.Kodosky@lewisbrisbois.com>; Colby, Eben P (BOS) <Eben.Colby@skadden.com>; Andrew DeMarco <ademarco@devlinlawfirm.com>; Alexander, Vincent <Vincent.Alexander@lewisbrisbois.com>; Brumme, Marley Ann (BOS) <Marley.Brumme@skadden.com>; Fisher, Bennett <Bennett.Fisher@lewisbrisbois.com>; Callahan, Kevin P. (USTP) <Kevin.P.Callahan@usdoj.gov>; Edel, Jon N. <Jon.Edel@klgates.com>; John.Schanne@usdoj.gov; Rothman, Aaron S. <Aaron.Rothman@klgates.com>; Shaw, Kevin <Kevin.Shaw@lewisbrisbois.com>; Grugan, Terence M. <GruganT@ballardspahr.com>; Davis L. Wright <DWright@rc.com>; Allen, Catherine G. <Catherine.Allen@quarles.com>; Czerkawski, Andrew <Andrew.Czerkawski@lewisbrisbois.com>
Subject: Re: [EXT] Re: TRO Hearing Continuance -- Stream v. Shadron L. Stastney et al.

None of the proposals to date have been made in good faith.

Mr. Caponi's proposal is a non-starter.

Mr. Colby essentially admitted to not wanting the litigation to progress - which is in violation of the rules.

My previous request were so that we could start discovery- period. And encompassed a Rule 26(f) request.

The discovery conference was supposed to be held by October 17, 2023.

The Court has to enter an order by no later than November 7.

I am happy to set up a call for tomorrow - we are in Court Monday and so far this isn't bickering - it's frustration at the game playing the Court said to stop.

What time after 11 tomorrow can the parties get on a call?

Rafael X. Zahralddin

302.545.2888

Sent from my iPhone



Rafael Zahralddin
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Rafael.Zahralddin@lewisbrisbois.com

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On Oct 26, 2023, at 3:25 PM, McKee Vassallo, Emilia L. <McKeeVassalloE@ballardspahr.com> wrote:

Rafael:

As Tom notes, that you disagree with the schedule alone is not a violation of the rules. Moreover, your request for a motion schedule in lieu of an answer previously, is not relevant to our obligations under Rule 26(f), which we are attempting to comply with now. However, we are available to discuss between now and when the report is due, or we can submit a report with competing proposals, as the rules allow. But, continuing to bicker over email is neither productive, nor what the Court would expect. We are available on Mr. Stastney's behalf to participate in a telephonic conference, however, not by 4pm today.

Emilia

Emilia McKee Vassallo

She/Her/Hers

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From: Zahralddin, Rafael <Rafael.Zahralddin@lewisbrisbois.com>

Sent: Thursday, October 26, 2023 2:47 PM

To: Warns, Tom A. <Tom.Warns@klgates.com>

Cc: Caponi, Steven L. <Steven.Caponi@klgates.com>; Kodosky, Keith <Keith.Kodosky@lewisbrisbois.com>; Colby, Eben P <Eben.Colby@skadden.com>; Andrew DeMarco <ademarco@devlinlawfirm.com>; Alexander, Vincent <Vincent.Alexander@lewisbrisbois.com>; Brumme, Marley Ann <Marley.Brumme@skadden.com>; Fisher, Bennett <Bennett.Fisher@lewisbrisbois.com>; Callahan, Kevin P. (USTP) <Kevin.P.Callahan@usdoj.gov>; Edel, Jon N. <Jon.Edel@klgates.com>; John.Schanne@usdoj.gov; Rothman, Aaron S. <Aaron.Rothman@klgates.com>; Shaw, Kevin <Kevin.Shaw@lewisbrisbois.com>; Grugan, Terence M. <GruganT@ballardspahr.com>; McKee Vassallo, Emilia L. <McKeeVassalloE@ballardspahr.com>; Davis L. Wright <DWright@rc.com>; Allen, Catherine G. <Catherine.Allen@quarles.com>; Czerkawski, Andrew <Andrew.Czerkawski@lewisbrisbois.com>

Subject: Re: [EXT] Re: TRO Hearing Continuance -- Stream v. Shadron L. Stastney et al.

 **EXTERNAL**

Tom this has gone on for weeks.

The latest date by which we should have had a discovery conference is almost upon us.

We asked for a schedule on motions in lieu of an answer awhile ago - it's too late for that.

I am happy to get on a call today. I am tied up tomorrow.

The Judge needs to enter a scheduling under under Rule 16- I am available now and up until 4pm.

Rafael X. Zahralddin
302.545.2888
Sent from my iPhone

<image001.png>
Rafael Zahralddin
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On Oct 26, 2023, at 2:42 PM, Warns, Tom A. <Tom.Warns@klgates.com> wrote:

Rafael,

It isn't entirely clear to me what you are claiming is "not in compliance with the rules." Debtors proposed a discovery schedule, and we sent back a counterproposal. You apparently disagree with the timing of discovery in the counterproposal, but that is not a violation of Rule 26(f).

If your objection is that we have not held an actual conference (and notwithstanding the fact that your proposed scheduling order included a provision that the parties would deem the conference to have occurred), Hawk is willing to conduct a conference by phone, and me sending a counterproposal on the scheduling order was not a refusal to hold such a conference.

If you seek a conference by phone to discuss the proposed scheduling order (and anything else encapsulated in Rule 26(f) (2)) please let me know a few dates and times you are available tomorrow and next week.

Best,

Tom

From: Zahralddin, Rafael <Rafael.Zahralddin@lewisbrisbois.com>
Sent: Wednesday, October 25, 2023 11:03 PM
To: Caponi, Steven L. <Steven.Caponi@klgates.com>; Warns, Tom A. <Tom.Warns@klgates.com>; Kodosky, Keith <Keith.Kodosky@lewisbrisbois.com>; Colby, Eben P <Eben.Colby@skadden.com>
Cc: Andrew DeMarco <ademarco@devlinlawfirm.com>; Alexander, Vincent <Vincent.Alexander@lewisbrisbois.com>; Brumme, Marley Ann <Marley.Brumme@skadden.com>; Fisher, Bennett <Bennett.Fisher@lewisbrisbois.com>; Callahan, Kevin P. (USTP) <Kevin.P.Callahan@usdoj.gov>; Edel, Jon N. <Jon.Edel@klgates.com>; John.Schanne@usdoj.gov; Rothman, Aaron S. <Aaron.Rothman@klgates.com>; Shaw, Kevin <Kevin.Shaw@lewisbrisbois.com>; Grugan, Terence M. <GruganT@ballardspahr.com>; McKee Vassallo, Emilia L. <McKeeVassalloE@ballardspahr.com>; Davis L. Wright <DWright@rc.com>; Allen, Catherine G. <Catherine.Allen@quarles.com>; Czerkowski, Andrew

<Andrew.Czerkowski@lewisbrisbois.com>

Subject: RE: [EXT] Re: TRO Hearing Continuance -- Stream v. Shadron L. Stastney et al.

The text of Rule 26(f) requires setting the conference "as soon as practicable" and that Defendants' intention to file a motion to dismiss does not change the requirements of the Rule. The Advisory Committee Notes to Rule 26(f) indicate that a conference must be scheduled even if a defendant has not yet answered a complaint. We appreciate you have responded, but your response violates the rules.

The judge must issue a scheduling order within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared.

So, we disagree with your position; it is not in compliance with the rules.

<image001.png>

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Partner
Rafael.Zahralddin@lewisbrisbois.com

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From: Caponi, Steven L. <Steven.Caponi@klgates.com>

Sent: Wednesday, October 25, 2023 9:27 PM

To: Zahralddin, Rafael <Rafael.Zahralddin@lewisbrisbois.com>; Warns, Tom A. <Tom.Warns@klgates.com>; Kodosky, Keith <Keith.Kodosky@lewisbrisbois.com>; Colby, Eben P <Eben.Colby@skadden.com>

Cc: Andrew DeMarco <ademarco@devlinlawfirm.com>; Alexander, Vincent <Vincent.Alexander@lewisbrisbois.com>; Brumme, Marley Ann <Marley.Brumme@skadden.com>; Fisher, Bennett <Bennett.Fisher@lewisbrisbois.com>; Callahan, Kevin P. (USTP) <Kevin.P.Callahan@usdoj.gov>; Edel, Jon N. <Jon.Edel@klgates.com>; John.Schanne@usdoj.gov; Rothman, Aaron S. <Aaron.Rothman@klgates.com>; Shaw, Kevin <Kevin.Shaw@lewisbrisbois.com>; Grugan, Terence M. <GruganT@ballardspahr.com>; McKee Vassallo, Emilia L. <McKeeVassalloF@ballardspahr.com>; Davis L. Wright <DWright@rc.com>; Allen, Catherine G. <Catherine.Allen@quarles.com>; Czerkowski, Andrew <Andrew.Czerkowski@lewisbrisbois.com>

Subject: RE: [EXT] Re: TRO Hearing Continuance -- Stream v. Shadron L. Stastney et al.

And it will – on the motions to dismiss.

<image005.jpg>

Steven L. Caponi

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Wilmington, DE 19801
Phone: 302.416.7080

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From: Zahralddin, Rafael <Rafael.Zahralddin@lewisbrisbois.com>

Sent: Wednesday, October 25, 2023 9:19 PM

To: Warns, Tom A. <Tom.Warns@klgates.com>; Kodosky, Keith <Keith.Kodosky@lewisbrisbois.com>; Colby, Eben P <Eben.Colby@skadden.com>

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Subject: Re: [EXT] Re: TRO Hearing Continuance -- Stream v. Shadron L. Stastney et al.

Tom,

The Court was clear, the litigation moves forward.

Rafael

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Rafael Zahralddin

Partner

Rafael.Zahralddin@lewisbrisbois.com

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From: Warns, Tom A. <Tom.Warns@klgates.com>

Sent: Wednesday, October 25, 2023 9:17:59 PM

To: Kodosky, Keith <Keith.Kodosky@lewisbrisbois.com>; Zahralddin, Rafael <Rafael.Zahralddin@lewisbrisbois.com>; Colby, Eben P <Eben.Colby@skadden.com>

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Bennett <Bennett.Fisher@lewisbrisbois.com>; ademarco@devlinlawfirm.com <ademarco@devlinlawfirm.com>; Callahan, Kevin P. (USTP) <Kevin.P.Callahan@usdoj.gov>; Edel, Jon N. <Jon.Edel@klgates.com>; John.Schanne@usdoj.gov <John.Schanne@usdoj.gov>; Rothman, Aaron S. <Aaron.Rothman@klgates.com>; Shaw, Kevin <Kevin.Shaw@lewisbrisbois.com>; Grugan, Terence M. <GruganT@ballardspahr.com>; McKee Vassallo, Emilia L. <McKeeVassalloE@ballardspahr.com>; Davis L. Wright <DWright@rc.com>; Allen, Catherine G. <Catherine.Allen@quarles.com>; Czerkowski, Andrew <Andrew.Czerkowski@lewisbrisbois.com>

Subject: RE: [EXT] Re: TRO Hearing Continuance -- Stream v. Shadron L. Stastney et al.

Keith,

See attached for Defendants' counterproposal. This is on behalf of the Defendants, as that term is defined in our counterproposal. Our edits to your proposal are reflected in tracked changes.

We can agree to Debtors' proposed briefing schedule on the motions to dismiss. However, we do not believe it makes sense to begin discovery until after a decision on the Defendants' motions to dismiss. Engaging in potentially expansive discovery when all or most of the Debtors' claims are likely to be dismissed is prejudicial to the Defendants and will further burden the estates with expenses. Please let us know if you will agree to our counterproposal.

Best,

Tom

From: Kodosky, Keith <Keith.Kodosky@lewisbrisbois.com>

Sent: Wednesday, October 25, 2023 8:36 PM

To: Warns, Tom A. <Tom.Warns@klgates.com>; Zahralddin, Rafael <Rafael.Zahralddin@lewisbrisbois.com>; Colby, Eben P <Eben.Colby@skadden.com>

Cc: Caponi, Steven L. <Steven.Caponi@klgates.com>; Andrew DeMarco <ademarco@devlinlawfirm.com>; Alexander, Vincent <Vincent.Alexander@lewisbrisbois.com>; Brumme, Marley Ann <Marley.Brumme@skadden.com>; Fisher, Bennett <Bennett.Fisher@lewisbrisbois.com>; ademarco@devlinlawfirm.com; Callahan, Kevin P. (USTP) <Kevin.P.Callahan@usdoj.gov>; Edel, Jon N. <Jon.Edel@klgates.com>; John.Schanne@usdoj.gov; Rothman, Aaron S. <Aaron.Rothman@klgates.com>; Shaw, Kevin <Kevin.Shaw@lewisbrisbois.com>; Grugan, Terence M. <GruganT@ballardspahr.com>; McKee Vassallo, Emilia L. <McKeeVassalloE@ballardspahr.com>; Davis L. Wright <DWright@rc.com>; Allen, Catherine G. <Catherine.Allen@quarles.com>; Czerkowski, Andrew <Andrew.Czerkowski@lewisbrisbois.com>

Subject: RE: [EXT] Re: TRO Hearing Continuance -- Stream v. Shadron L. Stastney et al.

Tom,

We continue to await Defendants' "counter" to the Debtors' proposed Case Management Plan and Scheduling Order that we circulated last Friday, Oct. 20, 2023, and request that it be sent to us this evening. Having accommodated your request for more time, we simply cannot tolerate any further unnecessary delay.

We look forward to hearing from you.

Thanks, -- Keith.

<image001.png>

Keith Kodosky
Partner
Keith.Kodosky@lewisbrisbois.com

T: 404.991.2183 F: 404.467.8845

600 Peachtree Street NE, Suite 4700, Atlanta, GA 30308 | LewisBrisbois.com

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<image002.png>

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From: Warns, Tom A. <Tom.Warns@klgates.com>
Sent: Monday, October 23, 2023 11:02 PM
To: Kodosky, Keith <Keith.Kodosky@lewisbrisbois.com>; Zahralddin, Rafael <Rafael.Zahralddin@lewisbrisbois.com>; Colby, Eben P <Eben.Colby@skadden.com>
Cc: Caponi, Steven L. <Steven.Caponi@klgates.com>; Andrew DeMarco <ademarco@devlinlawfirm.com>; Alexander, Vincent <Vincent.Alexander@lewisbrisbois.com>; Brumme, Marley Ann <Marley.Brumme@skadden.com>; Fisher, Bennett <Bennett.Fisher@lewisbrisbois.com>; ademarco@devlinlawfirm.com; Callahan, Kevin P. (USTP) <Kevin.P.Callahan@usdoj.gov>; Edel, Jon N. <Jon.Edel@klgates.com>; John.Schanne@usdoj.gov; Rothman, Aaron S. <Aaron.Rothman@klgates.com>; Shaw, Kevin <Kevin.Shaw@lewisbrisbois.com>; Grugan, Terence M. <GruganT@ballardspahr.com>; McKee Vassallo, Emilia L. <McKeeVassalloE@ballardspahr.com>; Davis L. Wright <DWright@rc.com>; Allen, Catherine G. <Catherine.Allen@quarles.com>; Czerkawski, Andrew <Andrew.Czerkawski@lewisbrisbois.com>
Subject: RE: [EXT] Re: TRO Hearing Continuance -- Stream v. Shadron L. Stastney et al.

Keith,

Defendants are in receipt of the Debtors' proposed Case Management Plan and Scheduling Order. Defendants are still conferring regarding your proposal, so we are not in a position to exchange a counter proposal tonight, but we are working on it diligently and hope to send you a counter within the next day or two.

Best,

Tom

From: Kodosky, Keith <Keith.Kodosky@lewisbrisbois.com>
Sent: Friday, October 20, 2023 8:09 PM
To: Zahralddin, Rafael <Rafael.Zahralddin@lewisbrisbois.com>; Colby, Eben P <Eben.Colby@skadden.com>
Cc: Caponi, Steven L. <Steven.Caponi@klgates.com>; Andrew DeMarco <ademarco@devlinlawfirm.com>; Alexander, Vincent <Vincent.Alexander@lewisbrisbois.com>; Brumme, Marley Ann <Marley.Brumme@skadden.com>; Fisher, Bennett <Bennett.Fisher@lewisbrisbois.com>; ademarco@devlinlawfirm.com; Callahan, Kevin P. (USTP) <Kevin.P.Callahan@usdoj.gov>; Edel, Jon N. <Jon.Edel@klgates.com>; John.Schanne@usdoj.gov; Rothman, Aaron S. <Aaron.Rothman@klgates.com>; Warns, Tom A. <Tom.Warns@klgates.com>; Shaw, Kevin <Kevin.Shaw@lewisbrisbois.com>; Grugan, Terence M. <GruganT@ballardspahr.com>; McKee Vassallo, Emilia L. <McKeeVassalloE@ballardspahr.com>; Davis L. Wright <DWright@rc.com>; Allen, Catherine G. <Catherine.Allen@quarles.com>; Czerkawski, Andrew <Andrew.Czerkawski@lewisbrisbois.com>
Subject: RE: [EXT] Re: TRO Hearing Continuance -- Stream v. Shadron L. Stastney et al.

All,

Please find attached Debtors' proposed Rule 26(f) Case Management Plan and Scheduling Order. We would appreciate receiving comments to the draft from counsel for defendants by end of the day on Monday, 10/23/23.

Thanks, -- Keith.


Keith Kodosky
Partner
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From: Zahraiddin, Rafael <Rafael.Zahraiddin@lewisbrisbois.com>
Sent: Friday, October 20, 2023 12:24 PM
To: Colby, Eben P <Eben.Colby@skadden.com>
Cc: Caponi, Steven L. <Steven.Caponi@klgates.com>; Andrew DeMarco <ademarco@devlinlawfirm.com>; Alexander, Vincent <Vincent.Alexander@lewisbrisbois.com>; Brumme, Marley Ann <Marley.Brumme@skadden.com>; Kodosky, Keith <Keith.Kodosky@lewisbrisbois.com>; Fisher, Bennett <Bennett.Fisher@lewisbrisbois.com>; ademarco@devlinlawfirm.com; Callahan, Kevin P. (USTP) <Kevin.P.Callahan@usdoj.gov>; Edel, Jon N. <Jon.Edel@klgates.com>; John.Schanne@usdoj.gov; Rothman, Aaron S. <Aaron.Rothman@klgates.com>; Warns, Tom A. <Tom.Warns@klgates.com>; Shaw, Kevin <Kevin.Shaw@lewisbrisbois.com>; Grugan, Terence M. <GruganT@ballardspahr.com>; McKee Vassallo, Emilia L. <McKeeVassalloF@ballardspahr.com>; Davis L. Wright <DWright@rc.com>; Allen, Catherine G. <Catherine.Allen@quarles.com>; Czerkowski, Andrew <Andrew.Czerkowski@lewisbrisbois.com>
Subject: Re: [EXT] Re: TRO Hearing Continuance -- Stream v. Shadron L. Stastney et al.

Dear Eben,

Thanks for your response.

I have authority to give you some time to investigate and I will come back with some more information for you.

Let me discuss with my client.

Rafael X. Zahraiddin

302.545.2888

Sent from my iPhone

Rafael Zahraiddin

Partner

Wilmington

302.985.6004 or x3026004

On Oct 20, 2023, at 11:08 AM, Colby, Eben P <Eben.Colby@skadden.com> wrote:

Rafael,

We're looking into this, but to our knowledge, SCBV-which we assume is the subject of your email when referring to the Netherlands entities-has been continuing to operate in the ordinary course, including receiving funds under the promissory note approved by Mr. Berkenbosch during his tenure as independent director earlier this year, receiving funds from existing proof of concept projects (which SCBV is the signatory on the relevant agreements), and paying liabilities.

In order to fully investigate, we need you to provide some further detail to help us understand what you're referring to. For example, please confirm what you mean by "security stack," as well as what in particular you believe SeeCubic, Inc. is doing that would constitute "moving assets/liabilities" and how the note is related.

To be clear we will continue to look into this, but cannot commit to your 2 PM deadline-your request was sent at 8 PM, and some of the necessary information may be in the Netherlands, where it was already the middle of the night at the time of your email. Please note that if you choose to go to the court at 2 PM notwithstanding our response here, we would expect that you inform the court that we have already provided a preliminary response and informed you that we are seeking further information.

Eben

On Oct 19, 2023, at 19:46, Zahraiddin, Rafael <Rafael.Zahraiddin@lewisbrisbois.com> wrote:

Dear Eben,

It has come to our attention that your client, SeeCubic, Inc., is possibly using the loan to SeeCubic B.V. and unpaid payroll taxes of the Netherlands to move liabilities and/or assets to another company. Apparently, there are serious regulatory issues with the Dutch Company entities.

We need you to confirm in writing that there are no plans by your clients to move the assets and/or liabilities of the Netherlands entities. Not only do we need you to confirm that there is no plan to do this, we also need you to confirm that nothing has already happened, nor will anything happen within the next 30 days.

If your clients are not doing anything with the assets and/or the liabilities of the Netherlands entities, then it should not be hard for you to confirm as much.

Furthermore, we need you to confirm that nothing has changed in the security stack in the Netherlands. Also, we request that your client provides the most recent financial statements for the Netherlands, immediately.

If we do not hear from you by the close of business, 2pm Eastern on Friday, October 20, 2023, with clear responses, we will assume that something out of the ordinary is happening in the Netherlands and we will be taking the appropriate legal action pursuant to our fiduciary obligations as debtor-in-possession.

Obviously I would not be asking for this confirmation if this wasn't a grave concern of the Debtors.

We will also be sending you a proposed schedule for the adversary procedure for comment under Rule 26(f).

Thank you.

Rafael X. Zahralddin

302.545.2888

Sent from my iPhone

<Logo_e6253148-26a1-47a9-b861-6ac0ff0bc3c4.png>
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On Oct 17, 2023, at 4:32 PM, Zahralddin, Rafael
<Rafael.Zahralddin@lewisbrisbois.com> wrote:

As the movant and Debtors counsel - we have no problem with either date.

I am not sure about Rembrandt.

I asked Eben to respond to me and informed him the Court asked about the 23rd but he decided to respond separately.

Rafael X. Zahralddin

302.545.2888

Sent from my iPhone

On Oct 17, 2023, at 4:23 PM, Colby, Eben P
<Eben.Colby@skadden.com> wrote:

Ms. Godfrey,

We have checked schedules for the defense side and are available for the continued TRO hearing on October 30. Unfortunately, we had conflicting scheduling issues on October 23.

Thank you,

Eben Colby

Eben P. Colby
Partner

Skadden, Arps, Slate, Meagher & Flom LLP

500 Boylston Street | Boston | Massachusetts | 02116

T: +1.617.573.4855

eben.colby@skadden.com

<image006.jpg>

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